

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 0:23-cv-61203**

The Smiley Company SPRL,

Plaintiff,

v.

THE INDIVIDUALS, PARTNERSHIPS
AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED
ON SCHEDULE "A",

Defendants.

**MOTION FOR EXTENSION OF TIME TO
ANSWER OR OTHERWISE PLEAD**

NOW COME Defendants, Pogah, OVOY Inc., Likorh, UTOWO, and TuopuSiLe (hereinafter, the "Defendants"), by and through their undersigned counsel, and hereby move this Court to extend the time to file a response to the Complaint. In support of this motion, Defendants jointly state as follows:

1. Plaintiff filed its complaint on June 26, 2023. [Dkt 1]
2. A summons was issued on July 3, 2023. [Dkt 17]
3. Defendant was ostensibly served with process on July 26, 2023. [Dkt 27]
4. Defendant's answer was therefore due on August 18, 2023.
5. Since the undersigned firm was retained to represent Defendants in this matter, the parties have been actively negotiating settlement.

6. To allow the parties to continue to explore settlement opportunities and resolve this amicably, the undersigned respectfully seeks an extension of time for Defendants to respond to Plaintiff's complaint on or before October 7, 2023.
7. This motion has been filed in good faith, and is not interposed for purposes of delay nor frustration of the progress of this matter.
8. On September 6, 2023, the undersigned conferred with Plaintiff's counsel regarding the relief sought herein, to which the Plaintiff's counsel responded with no objection on September 7, 2023.
9. This is the first motion for an extension of time to answer filed by Defendants.
10. This Court may, for good cause, extend the time by which Defendants' responses are due after the time has expired if Defendants failed to act because of excusable neglect. Fed. R. Civ. P. 6(b)(1)(B). "[U]nder Rule 6(b)(1) as interpreted by case law, the term "good cause" imposes a light burden." *McCann v. Cullinan*, 2015 WL 4254226, at * 10 (N.D. Ill 2015), citing *Moore's Federal Practice* § 6.06 [2] p. 632 (Matthew Bender 3d ed. 2013); See also, *Anderson v. Stanco Sports Library, Inc.*, 52 F.R.D. 108, 109 (D. S.C. 1971) (granting defendants' motion for an extension arguing that "judgment by default has not been entered).

WHEREFORE, Defendants, Pogah, OVOY Inc., Likorh, UTOWO, and TuopuSiLe, respectfully requests that this Honorable Court enter an Order:

- A. extending the date on which Defendant's response to Plaintiff's Complaint is due to October 6, 2023; and

B. for such further relief as the Court may deem just and proper.

Dated: September 12, 2023

Respectfully Submitted,

J. Zhang and Associates, P.C.
Attorney for Defendants,
Pogah, OVOY Inc., Likorh, UTOWO, and
TuopuSiLe

/s/ Jiyuan Zhang
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AFFIRMATION OF SERVICE

I, Jiyuan Zhang, an attorney, certifies that on September 12, 2023, a true and correct copy of **MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD**, was filed via the CM/ECF electronic filing system, thereby serving it upon all counsel of record.

/s/ Jiyuan Zhang
Jiyuan Zhang, Esq